

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,913

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Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her ANFC and food stamp benefits. The issue is whether the household's income is in excess of the program maximums.

FINDINGS OF FACT

The facts are not in dispute. Prior to September, 1995, the petitioner, her two children, and the children's father received ANFC benefits of \$627 a month, plus food stamps. In September, the father went to work as an asphalt delivery driver. The Department calculated his projected earnings based on a forty hour work week at a wage of \$8.00 an hour, and it notified the petitioner that as of October 1, 1995, her ANFC and food stamps would be terminated.⁽¹⁾ The petitioner does not dispute that if the father works full time his income will be well in excess of the ANFC and food stamp program maximums. She appealed the Department's decision because she thinks it is unlikely he will work that many hours as the weather turns colder. Based on the father's pay stubs for September, however, he worked and was paid for very close to full time work. The petitioner is also concerned because her invalid father also lives in the home, and she must stay home to care for him.

At the hearing (held on October 4, 1995) the petitioner was advised to promptly inform the Department and reapply for benefits if the children's father's work hours are reduced. She was also advised to have her father apply for essential person (EP) benefits due to the fact that it appears he requires the petitioner's care. As for the family's ANFC and food stamp eligibility for October, 1995, however, the petitioner does not dispute that based on the family's income in September the Department's determinations are correct.

ORDER

The Department's decisions is affirmed.

REASONS

There is no dispute in this matter that based on the father's income in September the family is not

eligible for ANFC or food stamps for October, 1995. See Welfare Assistance Manual (W.A.M.) § 2253 and Food Stamp Manual § 273.9. As for any succeeding months, the petitioner should reapply for benefits if the family's income is reduced. Inasmuch, however, as the Department's decision is in accord with the applicable regulations, it must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. The family remains eligible for "transitional" medicaid benefits.